

OFFICIAL

PATENT
Attorney Docket: 53951-028

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)
Inventor: BURBANK, et al) Group Art Unit: 1723
Serial No.: 09/904,709)
Filed: July 12, 2001) Examiner: KIM, SUN U
For: Hemodilution cap and methods of use in) Atty. Docket: 53951-028
blood processing procedures)

FAX RECEIVED

AUG 20 2003

TC 1700

TRANSMITTAL TO THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313 1450

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Sir/Madam:

This is a transmittal for filing by facsimile an Amendment in response to the Notice of Non-Responsive Amendment mailed 8/7/2003.

I. DOCUMENTS ENCLOSED (12 PAGES):


- Transmittal (1 page)
- Amendment (11 pages)

II. PAYMENT OF FEES

- The Commissioner is authorized to charge Proskauer Rose LLP's Deposit Account No. 16-2500 for any fees required under 37 CFR §§ 1.16, 1.17 and 1.445 that are not covered, in whole or in part, and to credit any overpayments to said Deposit Account No. 16-2500.

Respectfully submitted,
PROSKAUER ROSE LLP

Dated: August 20, 2003

By: 
Mark A. Catan (Reg. No. 38,720)
Proskauer Rose LLP
1585 Broadway
New York, NY 10036-8299

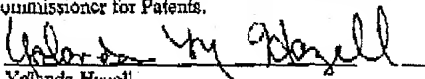
6383/53951-028 DCWORD/14381 v1

8/20/2003 10:38:56 AM (18584)

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via facsimile to (703) 872-9310 on the date shown below to the Commissioner for Patents.

August 20, 2003


Yolanda Hazell

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PATENT
ATTY DOCKET 53951-028

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In re the Application of:

Inventor: BURBANK, et al.

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For: Hemodilution cap and methods of use in
blood-processing procedures

Group Art Unit: 1723

Examiner: KIM, SUN U

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AMENDMENT

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

In response to the Notice of Non-Responsive Amendment, mailed 8/7/2003, please enter the election and amendments as follows. Please note that this letter is directed to all actions in the Office Action mailed 2/28/2003, as if not responded to earlier since it appears from the PAIR system that no amendments since that date were entered. So please read this amendment as a response to the 2/28/2003 Office Action.

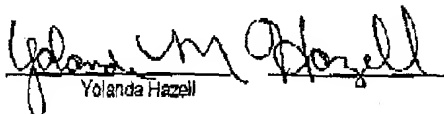
6383/53951-028 DCWORD/9457 v2

8/19/2003 7:04:41 PM (18757)

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ATTY DOCKET 53951-028

RESTRICTION

The Office Action identified two classes of invention corresponding to claims (class I): claims 1-8, 11, and 15-16 drawn to a device and (class II): claims 17-21, 25, 29, 50, and 54 drawn to a method. In a preliminary election by phone, Applicants elected Class I directed to a device. Applicants hereby confirm the election of Class I and request the cancellation of the non-elected claims as in the amendment that follows.

2023381479.DOCWORD/0457 v2

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8/19/2003 7:04:41 PM (16767)